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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/594,389	06/15/2000	Kenji Nagata	F-6560	9122

7590

06/25/2002

Jordan and Hamburg
122 East 42nd Street
New York, NY 10168

EXAMINER

NGUYEN, BINH AN DUC

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 06/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/594,389

Applicant(s)

NAGATA ET AL.

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 12 March 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. The Amendment filed in Paper No. 7, March 12, 2002 has been received.

According to the Amendment, claims 1-11 have been amended and new claims 12-26 have been added. Currently, claims 1-26 are pending in the application.

Acknowledgment has been made.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 2, 4, 6-8, 12-17, 21, and 25 are rejected under 35 U.S.C. 102(b) or (e) as being anticipated by Burgess (5,695,859) or Burgess (5,828,289), hereafter, Burgess'859 and Burgess'289.

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Burgess '859 or '289 teaches an input apparatus for game systems comprising: an operation member (200, 210) adapted to receive a load (Figs. 15 and 16); and detection unit (130) capable of outputting a predetermined detection signal in response to changes in load in a predetermined direction in relation to the operation member, the detection unit including a sensing element (electrodes 132 and 135) and a coating member made of elastic material (9:9-12 and 10:38-48), the coating member coating the sensing element and functioning as a medium to transmit the load applied to the operation member to the sensing element, the coating member being arranged to contact the operation member and support the operation member in the predetermined direction (see Figs. 11- 13 and 10:22-65); the coating member includes a protrusion (131e) for limiting a position to which the load toward the sensing element is transmitted into a certain range; the protrusion is arranged on an outer surface of the coating member; a stopper (struts 137) for limiting displacement of the operation member in relation to the predetermined direction in a certain range; at least an outer surface portion of the operation member is formed into a panel, the detection unit being arranged to contact the outer surface portion of the operation member, and the stopper is located closer to a center of the operation member than that of the detection unit; the stopper adjoins the detection unit; insulating means for separating the electrode plates from one another; the coating member being arranged to overlies an upper one of the plates and lie below one of the plates; the coating element defines an interior cavity and the sensing element being arranged in the cavity; the coating member includes a plurality of separate protrusions (Figs. 12 and 13); the coating member is elongate and

Fig. 15, 16

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the protrusion extends longitudinally along the coating member. See also Figs. 1-17 and columns 1-15. Note that, the limitation of a frame defining a support surface for supporting a detection unit (claim 14) is considered as any platform in which a detection unit can be placed, e.g., placing the input apparatus of Burgess on a table or a chair, etc. (which structurally has frame and support surface), thus, this limitation is not given patentable weight. Further, the limitations of operation member is a foot panel on which a player is able to stamp (claim 11) and sensing elements comprising a pair of opposed metallic plates (claims 12 and 15) are respectively inherent from Burgess' application for devices such as feedback devices, toys, computer input devices, etc. (see 15:13-24) and metal foils or film for electrodes.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9, 10, 19, 20, 22, 23, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess (5,695,859) or Burgess (5,828,289) in view of Hector et al. (4,720,789) and applicant's admitted prior art (Figures 10 and 11).

Burgess '859 or '289 teaches all limitations in claims 1, 2, 4, 6-8, 12-17, 21, and 25. Burgess '859 or '289 does not explicitly teach a base having a plurality of panel-

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attaching sections; at least one sustaining plate arranged on the frame, and at least one detection unit being arranged on the sustaining plate.

Hector et al., however, teaches a video game floor controller with position indication foot pads comprising a base having a plurality of panel-attaching sections; detection unit comprises a plurality of detection units. See Figures 1 and 2. Further, applicants' admitted prior art, Figures 10 and 11, comprises a foot switch having sustaining plate (3a) arranged on the frame and including a raised, stopper portion (4), and a sensing unit being placed over the sustaining plate. Furthermore, the limitations of arrangement of stopper (claims 22, 23, 24, 26) and sensing units (claim 10) in different positions, and the protrusion being spaced from both longitudinal ends of the electrode plates (claims 19 and 20) are design choice.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the input apparatus as taught by Burgess with a video game floor controller with position indication foot pads of Hector et al., in combination with well known art, to enhance sensitivity of detection in video input device.

6. Claims 3 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess (5,695,859) or Burgess (5,828,289) in view of Burgess (6,114,645).

Burgess '859 or '289 teaches all limitations in claims 1, 2, 4, 6-8, 12-17, 21, and 25. Burgess '859 or '289 does not explicitly teach sensing element includes a pair of electrode plates arranged to contact or separate from each other according to the load. Burgess '645 teaches sensing element includes a pair of electrode plates arranged to

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contact or separate from each other according to the load, see Fig.4 and columns 7:37-8:29. It would have been obvious to a person of ordinary skill in the art at the time of the invention to further modify the electrodes of Burgess '859 or '289 with a pair of electrode plates, as taught by Burgess'645 to enhance the flexibility of a sensing unit of an input device.

7. Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burgess (5,695,859) or Burgess (5,828,289) in view of Saur et al. (6,110,073).

Burgess '859 or '289 teaches all limitations in claims 1, 2, 4, 6-8, 12-17, 21, and 25. Burgess '859 or '289 does not explicitly teach protrusion is arranged on an inner surface of the coating member. Saur et al. teaches foot pads 18 having protrusions arranged on an inner surface of the coating member (Figs. 2 and 7). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Burgess's inner surface of coating member with protrusions thereof, as taught by Saur et al., to enhance a better switching function for a sensing unit.

8. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

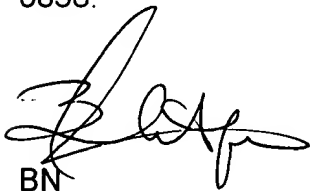
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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

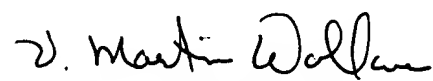
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 703-305-5713. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703-308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3580 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.



BN



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